UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/NGO/116
23 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Agenda item 11 (a)

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: TORTURE AND DETENTION

Written statement submitted by Arab Organization for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 March 1999]

GE.99-11608 (E)

"Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein ..."

1. Abduction in itself is an offence. The sentences pronounced by the Israeli court martial against those kidnapped are not legal, and contradict all international trial standards. And even when these illegal sentences have been served by 19 Lebanese hostages in the Aayloun detention camp, the Israeli Government keeps them detained by renewing their detention period every six months. Some of these hostages have been detained for periods that exceed nine years after the serving of their sentences. Such are the cases of Bilal Dakroub, Ahmad Ammar and others. Even the illegal trials are just formalities. There is no difference between detainees who have been tried, detainees whose sentences have been served, and detainees detained without trial. They are all hostages.

2. The Israeli Supreme Court has confessed, on 4 March 1998, that the Lebanese detainees are actually "hostages for bargain".

3. The legalization of hostage-taking by Israel, and the application of torture accepted by their regime, is a clear violation of all international laws and the first act of its kind in the world. Never in history has a Supreme Court given its blessing to the taking of people as hostages.

4. Some of those kidnapped have not been tried since their abduction. They just sit in cells that are forbidden to the Red Cross, and are not allowed even to write letters to their families (or receive any from them). Such is the case of Abdel Karim Obeid and Mustafa Dirani.

5. In the Nafha detention camp is Samir Kintar, the detainee held for the longest period of time, since 22 April 1979. Mr. Kintar is sentenced to a life in "detention" and is not allowed any visits from his family in spite of the now 20 years' imprisonment.

6. Most of the detainees suffer from some difficult health and psychological conditions. Their families are not allowed to visit them, and they are forced to live in complete isolation from the outside world.

7. The Israelis also hold tens of Lebanese hostage without admitting that they do. The whereabouts of these people are still unknown.

8. The charges against the Lebanese detainees may be summarized as follows:

(a) Underground resistance against the Israeli occupation;

(b) Refusing to join a pro-Israeli militia;

(c) Refusing to pay any levies or taxes;

(d) Cooperating with the Lebanese Government and giving them information;

(e) Not accepting Israeli aid and refusing to take tourist trips to Israel;

(f) Having mobile phones.

9. The Israeli forces hold 183 Lebanese hostages. One hundred and forty hostages are in the Khiam detention camp, and the rest (43 hostages) are in the other camps (Asskalan, Aayloun, Nafha ...). The ages of the detainees range between 14 and 70 years of age. The Khiam detention camp was established in 1985 and since then, has been used for detaining people without any legal documents, no charges or trials, and no right to an attorney.

10. The Israeli forces have direct control over the camp, and the Israeli secret intelligence service conduct the interrogations of the detainees before moving them to a camp. Fourteen detainees have died during these "interrogations". Another two who died in the hospital after their release are Salim Awada and Rida Yousseff Mustafa.

11. Rheumatism, Thalassaemia, loss of memory, eye problems, stomach problems and other health conditions spread quickly in the detention camps due to insufficient nutrition, lack of medical care and the no-light policy applied by the Israeli forces. There are sick and wounded in the camps. Soleiman Ramadan's legs were amputated in an Israeli hospital in 1985 due to medical neglect of his infected wounds.

12. Even children did not escape the camps. Mohamad Kazan (15 years) and Ali Mustafa Tawbeh (14 years, held with his father, Mustafa Tawbeh), are being held. The Israeli forces also hold many old people in detention camps: Ali Ghanwi (60 years old), Mohamad Katbay (64 years old) and Mohamad Hassan Said (70 years old). Also in the camps are women and mothers: Mrs. Fatmeh Abdel Nabi held with her husband, Mr. Mohamad Sayed; Ms. Samira Sharaf El Din; Mrs. Abdeh Malkani, held with her old husband, Mr. Mohamad Hassan Al Sayed; and Mrs. Evon Soidi, also held with her husband, Mr. Paul Abu Zeid.

13. As for those kidnapped and moved from Lebanese territories and tried, this contradicts articles 49 and 76 of the Fourth Geneva Convention. Article 49, paragraph 1, states:

> "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive."

14. The Lebanese hostages case in the Israeli detention camps is a national Lebanese cause and an international humanitarian cause, requiring the United Nations, all Governments and the Arab and international humanitarian organizations to undertake a worldwide campaign in the support of the following:

(a) The release of all minors, sick and wounded women, and the elderly from the camps;

(b) The release of all the detainees whose sentences have been served;

(c) The cessation of torture in Khiam detention camp; the cessation of the cruel and inhuman treatment inflicted on the detainees for the purpose of degrading their dignity;

(d) Send an international committee to Khiam detention camp; bring the war criminals who have tortured the detainees, whether directly or indirectly, to the international court; make reparations for the victims and work towards their rehabilitation;

(e) Allow all the detainees to meet with their families, lawyers, the Red Cross and human rights organizations;

(f) Overturn the Israeli Supreme Court decisions that consider the Lebanese detainees as hostages, in open contradiction to the Fourth Geneva Convention;

(g) Cancel the "formality trials" of the detainees and declare these trials as illegitimate according to international law;

(h) Force the Israelis to admit the whereabouts of the missing persons or present their bodies to the Red Cross.

- - - - -